

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN ASSEMBLY JUNE 12, 2006

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 834

Introduced by Senator Figueroa

February 22, 2005

An act to amend Sections 12804, 13975, 14931, 14931.1, 15252, 15275, 15277, and 19857 of, to add *Section 14930 to, and to add Chapter 5.5* (commencing with Section 11531) to Part 1 of Division 3 of Title 2 of, to repeal Sections 15276 and 15279 of, and to repeal Article 2 (commencing with Section 11792) and Article 3 (commencing with Section 11796) of Chapter 7.5 of Division 3 of Title 2 of, the Government Code, relating to information technology.

LEGISLATIVE COUNSEL'S DIGEST

SB 834, as amended, Figueroa. Department of General Services: information technology.

(1) Existing law, the Governor's Reorganization Plan No. 2 (GRP No. 2), effective July 9, 2005, established the Department of Technology Services in state government, under the Director of Technology Services, within the State and Consumer Services Agency, and the Technology Services Board, with a specified membership, within the department. That plan authorized the department to acquire, install, equip, maintain, and operate new or existing business telecommunications systems and services and requires it to coordinate all matters affecting statewide business telecommunications policy and planning. The plan also limited the

authority of the Department of General Services to acquire, install, equip, maintain, and operate communications systems and facilities to public safety agencies.

The plan consolidated and transferred the functions of the Stephen P. Teale Data Center, the California Health and Human Services Agency Data Center, and the Telecommunications Division of the Department of General Services to the department and required the director to administer the department pursuant to a written plan of operations developed with the advice of the board.

The plan also created the Department of Technology Services Revolving Fund within the State Treasury, which is continuously appropriated and available for encumbrance without regard to fiscal years.

Existing law requires the Legislative Counsel to prepare for introduction not later than the next Regular Session of the Legislature occurring more than 90 days after the effective date of GRP No. 2, a bill effecting these changes in the statutes to reflect the changes made by the plan.

This bill would make the statutory codification changes made necessary by the plan taking effect on July 9, 2005, except that it would instead provide that the Department of Technology Services Revolving Fund would be subject to appropriation by the Legislature.

(2) Existing law sets forth the requirements for the acquisition of information technology goods and services by the state, and requires all contracts for the acquisition of those goods and services to be made by or under the supervision of the Department of General Services, with expenditures in this regard subject to the review and approval of the Department of Finance.

This bill would establish in state government the office of State Chief Information Officer, to be appointed by the Governor, subject to Senate confirmation, and set forth the duties of the State Chief Information Officer in the coordination of state information technology services.

(3) *This bill would incorporate additional changes to Section 12804 of the Government Code, proposed by AB 1278, to be operative only if AB 1278 and this bill are enacted, both bills amend the respective section, and this bill is enacted after AB 1278.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5.5 (commencing with Section 11531)
2 is added to Part 1 of Division 3 of Title 2 of the Government
3 Code, to read:

4
5 CHAPTER 5.5. TECHNOLOGY

6
7 Article 1. General Provisions and Definitions

8
9 11531. This chapter shall be known and may be cited as the
10 Technology Act of 2005.

11 11532. For purposes of this chapter, the following terms shall
12 have the following meanings, unless the context requires
13 otherwise:

14 (a) “Board member” means a member of the Technology
15 Services Board.

16 (b) “Department” means the Department of Technology
17 Services established by this chapter.

18 (c) “Board” means the Technology Services Board created
19 pursuant to Section 11535.

20 (d) “Director” means the Director of Technology Services.

21 (e) “Technology” includes, but is not limited to, all electronic
22 technology systems and services, automated information
23 handling, system design and analysis, conversion of data,
24 computer programming, information storage and retrieval, and
25 business telecommunications systems and services.

26 (f) “Business telecommunications systems and services”
27 includes, but is not limited to, wireless or wired systems for
28 transport of voice, video, and data communications, network
29 systems, requisite facilities, equipment, system controls,
30 simulation, electronic commerce, and all related interactions
31 between people and machines. Public safety communications are
32 excluded from this definition.

33 (g) “Public agencies” include, but are not limited to, all state
34 and local governmental agencies in the state, including cities,
35 counties, other political subdivisions of the state, state
36 departments, agencies, boards, and commissions, and
37 departments, agencies, boards, and commissions of other states
38 and federal agencies.

1 Article 2. Department of Technology Services

2
3 11534. (a) There is in state government, in the State and
4 Consumer Services Agency, the Department of Technology
5 Services.

6 (b) The purpose of this article is to establish a general purpose
7 technology services provider to serve the common technology
8 needs of executive branch entities with accountability to
9 customers for providing secure services that are responsive to
10 client needs at a cost representing best value to the state.

11 (c) The purpose of this chapter is to improve and coordinate
12 the use of technology and to coordinate and cooperate with all
13 public agencies in the state in order to eliminate duplications and
14 to bring about economies that could not otherwise be obtained.

15 11535. (a) There is, in the department, the Technology
16 Services Board.

17 (b) The board shall consist of 13 members, as follows:

18 (1) The Governor's designee, who shall serve as the chair of
19 the board.

20 (2) The Director of Finance, who shall serve as vice chair of
21 the board.

22 (3) The Controller.

23 (4) The Secretaries of Food and Agriculture, the Business,
24 Transportation and Housing Agency, the Environmental
25 Protection Agency, the California Health and Human Services
26 Agency, the Labor and Workforce Development Agency, the
27 Resources Agency, the State and Consumer Services Agency, the
28 Department of Veterans Affairs, and the Youth and Adult
29 Correctional Agency.

30 (5) The Director of the Office of Emergency Services.

31 11536. The board shall meet not less than once each quarter.
32 A quorum shall consist of seven members of the board. All
33 decisions of the board shall be made by a majority vote of a
34 quorum of the board.

35 11537. (a) The board shall engage an independent firm of
36 certified public accountants to conduct an annual financial audit
37 of all accounts and transactions of the department. The audit shall
38 be conducted in accordance with Generally Accepted
39 Government Auditing Standards. The audited financial
40 statements shall be presented to the board, the Governor, and the

1 Legislature not more than 120 days after the close of the fiscal
2 year.

3 (b) The board may arrange for other audits as are necessary or
4 prudent to ensure proper oversight and management of the
5 department.

6 11538. The director shall be appointed by, and serve at the
7 pleasure of, the Governor, subject to Senate confirmation. The
8 director shall act as executive officer of the board.

9 11539. The director shall be responsible for managing the
10 affairs of the department and shall perform all duties, exercise all
11 powers and jurisdiction, and assume and discharge all
12 responsibilities necessary to carry out the purposes of this
13 chapter. The director shall employ professional, clerical,
14 technical, and administrative personnel as necessary to carry out
15 this chapter.

16 11540. ~~(a) The director shall administer the department~~
17 ~~pursuant to a written plan of operations developed with advice~~
18 ~~from the board. The plan of operations shall establish in detail~~
19 ~~the policies, procedures, and organization of the department,~~
20 ~~including, but not limited to, financial and administrative~~
21 ~~operations, performance measurements, methods of collection,~~
22 ~~procedures consistent with constitutional, statutory, and common~~
23 ~~law requirements for dispute resolution, and procedures by which~~
24 ~~the department enters into all agreements and contracts,~~
25 ~~including, but not limited to, purchases, sales, leases, licenses,~~
26 ~~memorandums of understanding, and interagency agreements.~~
27 ~~The plan shall be limited to procedures and processes necessary~~
28 ~~to accomplish and carry out the consolidation and transfer~~
29 ~~prescribed in Section 11542 and the ongoing operation of that~~
30 ~~consolidated system.~~

31 ~~(b) The~~ The director shall propose for board consideration and
32 approval an annual budget for departmental operations. As part
33 of the annual budget development, the department shall
34 determine the impact of any rebates, abatements, or rate
35 reductions resulting from excess reserve funds. At least 60 days
36 before submitting the proposed budget to the board, the director
37 shall submit the proposed budget to the Department of Finance.
38 Submittal of the budget to the Department of Finance shall be in
39 a format and timeframe determined by the Department of
40 Finance. The Department of Finance shall prepare a report to the

1 board evaluating the reasonableness of the proposed budget and
2 any significant impact the department's budget is likely to have
3 upon the budgets of other departments.

4 (e)

5 (b) The director shall propose for board consideration rates for
6 department services based on a formal rate methodology
7 approved by the board. At least 60 days before submitting
8 proposed rates to the board, the director shall submit the
9 proposed rates to the Department of Finance. Submittal of the
10 rates to the Department of Finance shall be in a format and
11 timeframe determined by the Department of Finance. The
12 Department of Finance shall prepare a report to the board
13 evaluating the reasonableness of the proposed rates and any
14 significant impact the department's rates are likely to have upon
15 the budgets of other departments.

16 (c) *It is the intent of the Legislature that this section supersede*
17 *Section 11540 of the Government Code, as added by Section 1 of*
18 *the Governor's Reorganization Plan No. 2, effective July 9, 2005.*

19 11541. (a) The department may acquire, install, equip,
20 maintain, and operate new or existing business
21 telecommunications systems and services. *Acquisitions for*
22 *information technology goods and services shall be made*
23 *pursuant to Chapter 3 (commencing with Section 12100) of Part*
24 *2 of Division 2 of the Public Contract Code.* To accomplish that
25 purpose, it may enter into contracts, obtain licenses, acquire
26 property, install necessary equipment and facilities, and do other
27 acts that will provide adequate and efficient business
28 telecommunications systems and services. Any system
29 established shall be made available to all public agencies in the
30 state on terms that may be agreed upon by the agency and the
31 department.

32 (b) With respect to business telecommunications systems and
33 services, the department may do all of the following:

34 (1) Provide representation of public agencies before the
35 Federal Communications Commission in matters affecting the
36 state and other public agencies regarding business
37 telecommunications systems and services issues.

38 (2) Provide, upon request, advice to public agencies
39 concerning existing or proposed business telecommunications
40 systems and services between any and all public agencies.

1 (3) Recommend to public agencies rules, regulations,
2 procedures, and methods of operation that it deems necessary to
3 effectuate the most efficient and economical use of business
4 telecommunications systems and services within the state.

5 (4) Carry out the policies of this chapter.

6 (c) The department has responsibilities with respect to
7 business telecommunications systems, services, policy, and
8 planning, which include, but are not limited to, all of the
9 following:

10 (1) Assessing the overall long-range business
11 telecommunications needs and requirements of the state
12 considering both routine and emergency operations for business
13 telecommunications systems and services, performance, cost,
14 state-of-the-art technology, multiuser availability, security,
15 reliability, and other factors deemed to be important to state
16 needs and requirements.

17 (2) Developing strategic and tactical policies and plans for
18 business telecommunications with consideration for the systems
19 and requirements of public agencies.

20 (3) Recommending industry standards, service level
21 agreements, and solutions regarding business
22 telecommunications systems and services to assure multiuser
23 availability and compatibility.

24 (4) Providing advice and assistance in the selection of business
25 telecommunications equipment to ensure all of the following:

26 (A) Ensuring that the business telecommunications needs of
27 state agencies are met.

28 (B) Ensuring that procurement is compatible throughout state
29 agencies and is consistent with the state's strategic and tactical
30 plans for telecommunications.

31 (C) Ensuring that procurement is designed to leverage the
32 buying power of the state and encourage economies of scale.

33 (5) Providing management oversight of statewide business
34 telecommunications systems and services developments.

35 (6) Providing for coordination of, and comment on, plans and
36 policies and operational requirements from departments that
37 utilize business telecommunications systems and services as
38 determined by the department.

39 (7) Monitoring and participating, on behalf of the state, in the
40 proceedings of federal and state regulatory agencies and in

1 congressional and state legislative deliberations that have an
2 impact on state governmental business telecommunications
3 activities.

4 (d) The department shall develop and describe statewide
5 policy on the use of business telecommunications systems and
6 services by state agencies. In the development of that policy, the
7 department shall assure that access to state business information
8 and services is improved, and that the policy is cost effective for
9 the state and its residents. The department shall develop
10 guidelines that do all of the following:

11 (1) Describe what types of state business information and
12 services may be accessed using business telecommunications
13 systems and services.

14 (2) Characterize the conditions under which a state agency
15 may utilize business telecommunications systems and services.

16 (3) Characterize the conditions under which a state agency
17 may charge for information and services.

18 (4) Specify pricing policies.

19 (5) Provide other guidance as may be appropriate at the
20 discretion of the department.

21 (e) *It is the intent of the Legislature that this section supersede*
22 *Section 11541 of the Government Code, as added by Section 1 of*
23 *the Governor's Reorganization Plan No. 2, effective July, 9,*
24 *2005.*

25 11542. (a) The Stephen P. Teale Data Center and the
26 California Health and Human Services Agency Data Center are
27 consolidated within, and their functions are transferred to, the
28 department.

29 (b) The business telecommunications systems and services
30 functions of the Telecommunications Division of the Department
31 of General Services are transferred to the department.

32 (c) Except as expressly provided otherwise in this chapter, the
33 department is the successor to, and is vested with, all of the
34 duties, powers, purposes, responsibilities, and jurisdiction of the
35 Stephen P. Teale Data Center, the California Health and Human
36 Services Agency Data Center, and the business
37 telecommunications systems and services functions of the
38 Telecommunications Division of the Department of General
39 Services. Any reference in statutes, regulations, or contracts to
40 those entities with respect to the transferred functions shall be

1 construed to refer to the Department of Technology Services
2 unless the context clearly requires otherwise.

3 (d) No contract, lease, license, or any other agreement to
4 which the Stephen P. Teale Data Center, the California Health
5 and Human Services Agency Data Center, or the
6 Telecommunications Division of the Department of General
7 Services, with respect to the business telecommunications
8 systems and services functions, is a party, shall be void or
9 voidable by reason of this chapter, but shall continue in full force
10 and effect, with the department assuming all of the rights,
11 obligations, and duties of the Stephen P. Teale Data Center, the
12 California Health and Human Services Agency Data Center, or
13 the Telecommunications Division of the Department of General
14 Services, respectively.

15 (e) Notwithstanding subdivision (e) of Section 11793 and
16 subdivision (e) of Section 11797, on and after the effective date
17 of this chapter, the balance of any funds available for expenditure
18 by the Stephen P. Teale Data Center, the California Health and
19 Human Services Agency Data Center, and the
20 Telecommunications Division of the Department of General
21 Services, with respect to business telecommunications systems
22 and services functions in carrying out any functions transferred to
23 the department by this chapter, shall be transferred to the
24 Department of Technology Services Revolving Fund created by
25 Section 11544, and shall be made available for the support and
26 maintenance of the department.

27 (f) All references in statutes, regulations, or contracts to the
28 former Stephen P. Teale Data Center Fund or the California
29 Health and Human Services Data Center Revolving Fund shall be
30 construed to refer to the Department of Technology Services
31 Revolving Fund unless the context clearly requires otherwise.

32 (g) All books, documents, records, and property of the Stephen
33 P. Teale Data Center, the California Health and Human Services
34 Agency Data Center, excluding the Systems Integration Division,
35 and the Telecommunications Division of the Department of
36 General Services, with respect to business telecommunications
37 systems and services functions, shall be transferred to the
38 department.

39 (h) (1) All officers and employees of the former Stephen P.
40 Teale Data Center, the California Health and Human Services

1 Agency Data Center, and the Telecommunications Division of
2 the Department of General Services, with respect to business
3 telecommunications systems and services functions, are
4 transferred to the department.

5 (2) The status, position, and rights of any officer or employee
6 of the Stephen P. Teale Data Center, the California Health and
7 Human Services Agency Data Center, and the
8 Telecommunications Division of the Department of General
9 Services, with respect to business telecommunications systems
10 and services functions, shall not be affected by the transfer and
11 consolidation of their functions to the department.

12 11543. (a) The director shall confer as frequently as
13 necessary or desirable, but not less than once every quarter, with
14 the board, on the operation and administration of the department.
15 The director shall make available for inspection by the board or
16 any board member, upon request, all books, records, files, and
17 other information and documents of the department and
18 recommend any matters as he or she deems necessary and
19 advisable to improve the operation and administration of the
20 department.

21 (b) The director shall make and keep books and records to
22 permit preparation of financial statements in conformity with
23 generally accepted accounting principles and any state policy
24 requirements.

25
26 Article 3. Department of Technology Services Revolving
27 Fund
28

29 11544. (a) The Department of Technology Services
30 Revolving Fund, hereafter known as the fund, is hereby created
31 within the State Treasury. The fund shall be administered by the
32 director, pursuant to the department's plan of operations, to
33 receive all revenues from the sale of technology or technology
34 services provided for in this chapter and all other moneys
35 properly credited to the board and department from any other
36 source, to pay, upon appropriation by the Legislature, all costs
37 arising from this chapter, including, but not limited to, operating
38 and other expenses of the board and department and costs
39 associated with approved information technology projects, and to

1 establish reserves. At the discretion of the director, segregated,
2 dedicated accounts within the fund may be established.

3 (b) The fund shall consist of all of the following:

4 (1) Moneys appropriated and made available by the
5 Legislature for the purpose of this chapter.

6 (2) Any other moneys that may be made available to the
7 department for the purpose of this chapter from any other source,
8 including the return from investments of moneys by the
9 Treasurer.

10 (c) The department may collect payments from public
11 agencies for providing services to those agencies that the
12 agencies have contracted with the department to provide. The
13 department may require monthly payments by client agencies for
14 the services the agencies have contracted the department to
15 provide. Pursuant to Section 11255, the Controller shall transfer
16 any amounts so authorized by the department, consistent with the
17 annual budget of each department, to the fund. The department
18 shall notify each affected state agency upon requesting the
19 Controller to make the transfer.

20 (d) If the balance remaining in the fund at the end of any fiscal
21 year exceeds 25 percent of the department's current fiscal year
22 budget, the excess amount shall be used to reduce the billing
23 rates for services rendered during the following fiscal year.

24 (e) It is the intent of the Legislature that this section supersede
25 Section 11544 of the Government Code, as added by Section 1 of
26 *the Governor's Reorganization Plan No. 2, effective July 9, 2005.*

27 11545. (a) There is in state government the office of the State
28 Chief Information Officer. The State Chief Information Officer
29 shall be appointed by, and serve at the pleasure of, the Governor,
30 subject to Senate confirmation. The State Chief Information
31 Officer shall be a member of the Governor's cabinet.

32 (b) The duties of the State Chief Information Officer shall
33 include, but not be limited to, all of the following:

34 (1) Advising the Governor on the strategic management and
35 direction of the state's information technology resources.

36 (2) Minimizing overlap, redundancy, and cost in state
37 operations by promoting the efficient and effective use of
38 information technology.

39 (3) Coordinating the activities of agency information officers,
40 agency chief information officers, and the Director of

1 Technology Services for purposes of integrating statewide
2 technology initiatives, ensuring compliance with information
3 technology policies and standards, and promoting alignment of
4 information technology resources and effective management of
5 information technology portfolios.

6 (4) Working to improve organizational maturity and capacity
7 in the effective management of information technology.

8 (5) Establishing performance management and improvement
9 processes to ensure state information technology systems and
10 services are efficient and effective.

11 SEC. 2. Article 2 (commencing with Section 11792) of
12 Chapter 7.5 of Division 3 of Title 2 of the Government Code is
13 repealed.

14 SEC. 3. Article 3 (commencing with Section 11796) of
15 Chapter 7.5 of Division 3 of Title 2 of the Government Code is
16 repealed.

17 SEC. 4. Section 12804 of the Government Code is amended
18 to read:

19 12804. The Agriculture and Services Agency is hereby
20 renamed the State and Consumer Services Agency.

21 The State and Consumer Services Agency consists of the
22 following: the Department of General Services; the Department
23 of Technology Services; the Department of Consumer Affairs;
24 the Franchise Tax Board; the Public Employees' Retirement
25 System; the State Teachers' Retirement System; the Department
26 of Fair Employment and Housing; the Fair Employment and
27 Housing Commission; the California Science Center; the
28 California Victim Compensation and Government Claims Board;
29 the California African-American Museum; and the State Building
30 and Standards Commission.

31 *SEC. 4.5. Section 12804 of the Government Code is amended*
32 *to read:*

33 12804. The Agriculture and Services Agency is hereby
34 renamed the State and Consumer Services Agency.

35 The State and Consumer Services Agency consists of the
36 following: the Department of General Services; the Department
37 of *Technology Services*; the *Department of* Consumer Affairs;
38 the Franchise Tax Board; the Public Employees' Retirement
39 System; the State Teachers' Retirement System; the Department
40 of Fair Employment and Housing; the Fair Employment and

1 Housing Commission; the California Science Center; the
2 California Victim Compensation and Government Claims Board;
3 the California African-American Museum; ~~and the State Building~~
4 and Standards Commission; *and the Alfred E. Alquist Seismic*
5 *Safety Commission.*

6 SEC. 5. Section 13975 of the Government Code is amended
7 to read:

8 13975. The Business and Transportation Agency in state
9 government is hereby renamed the Business, Transportation and
10 Housing Agency. The agency consists of the State Department of
11 Alcoholic Beverage Control, the Department of the California
12 Highway Patrol, the Department of Corporations, the Department
13 of Housing and Community Development, the Department of
14 Motor Vehicles, the Department of Real Estate, the Department
15 of Transportation, the Department of Financial Institutions, the
16 Department of Managed Health Care; and the California Housing
17 Finance Agency is also located within the Business,
18 Transportation and Housing Agency, as specified in Division 31
19 (commencing with Section 50000) of the Health and Safety
20 Code.

21 SEC. 6. Section 14930 is added to the Government Code, to
22 read:

23 14930. *This chapter shall not apply to Department of Justice*
24 *public safety communications, including, but not limited to,*
25 *communications operated pursuant to Chapter 2.5 (commencing*
26 *with Section 15150) of Part 6 of Division 3 of Title 2.*

27 ~~SEC. 6.~~

28 SEC. 7. Section 14931 of the Government Code is amended
29 to read:

30 14931. The department may acquire, install, equip, maintain,
31 and operate new or existing public safety communications
32 systems and facilities for public safety agencies. To accomplish
33 that purpose, it may, in the name of the state, enter into contracts,
34 obtain licenses, acquire property, install necessary equipment and
35 facilities, and do other acts that will provide adequate and
36 efficient public safety communications systems. Any system
37 established shall be available to all public agencies in the state on
38 terms that may be agreed upon by the agency and the department.

1 ~~SEC. 7.~~

2 *SEC. 8.* Section 14931.1 of the Government Code is amended
3 to read:

4 14931.1. The department shall acquire, install, equip,
5 maintain, and operate all new or replacement public safety
6 communications systems operated by the state, excepting
7 microwave equipment used exclusively for traffic signal and
8 signing control, traffic metering, and roadway surveillance
9 systems. To accomplish that purpose, it may, in the name of the
10 state, enter into contracts, obtain licenses, acquire property,
11 install necessary equipment and facilities, and do other acts that
12 will provide adequate and efficient microwave communications
13 systems. Any system established shall be available to all public
14 agencies in the state on terms that may be agreed upon by the
15 public agency and the department.

16 ~~SEC. 8.~~

17 *SEC. 9.* Section 15252 of the Government Code is amended
18 to read:

19 15252. The purpose of this part is to improve and coordinate
20 the use of public safety radio and other public safety
21 communications facilities owned and operated by the state, and
22 to coordinate and cooperate with cities, counties, and other
23 political subdivisions thereof, in order to eliminate duplications
24 and interferences, to bring about economies that could not
25 otherwise be obtained.

26 ~~SEC. 9.~~

27 *SEC. 10.* Section 15275 of the Government Code is amended
28 to read:

29 15275. The Department of General Services may do all of the
30 following:

31 (a) Provide adequate representation of local and state
32 governmental bodies and agencies before the Federal
33 Communications Commission in matters affecting the state and
34 its cities, counties, and other public agencies regarding public
35 safety communications issues.

36 (b) Provide, upon request, adequate advice to state and local
37 agencies in the state concerning existing or proposed public
38 safety communications facilities between any and all of the
39 following: cities, counties, other political subdivisions of the
40 state, state departments, agencies, boards, and commissions, and

1 departments, agencies, boards, and commissions of other states
2 and federal agencies.

3 (c) Recommend to the appropriate state and local agencies
4 rules, regulations, procedures, and methods of operation that it
5 deems necessary to effectuate the most efficient and economical
6 use of publicly owned and operated public safety
7 communications facilities within this state.

8 (d) Provide, upon request, information and data concerning the
9 public safety communications facilities that are owned and
10 operated by public agencies in connection with official business
11 of public safety services.

12 (e) Carry out the policy of this part.

13 ~~SEC. 10.~~

14 *SEC. 11.* Section 15276 of the Government Code is repealed.

15 ~~SEC. 11.~~

16 *SEC. 12.* Section 15277 of the Government Code is amended
17 to read:

18 15277. There is hereby established within the department a
19 Division of Telecommunications. The division shall include a
20 policy and planning unit whose duties shall include, but not be
21 limited to, all of the following:

22 (a) Assessing the overall long-range public safety
23 communications needs and requirements of the state considering
24 emergency operations, performance, cost, state-of-the-art
25 technology, multiuser availability, security, reliability, and other
26 factors deemed to be important to state needs and requirements.

27 (b) Developing strategic and tactical policies and plans for
28 public safety communications with consideration for the systems
29 and requirements of the state and all public agencies in this state,
30 and preparing an annual strategic communications plan that
31 includes the feasibility of interfaces with federal and other state
32 telecommunications networks and services.

33 (c) Recommending industry standards for public safety
34 communications systems to assure multiuser availability and
35 compatibility.

36 (d) Providing advice and assistance in the selection of
37 communications equipment to ensure that the public safety
38 communications needs of state agencies are met and that
39 procurements are compatible throughout state agencies and are

1 consistent with the state's strategic and tactical plans for public
2 safety communications.

3 (e) Providing management oversight of statewide public safety
4 communications systems developments.

5 (f) Providing for coordination of, and comment on, plans,
6 policies, and operational requirements from departments that
7 utilize public safety communications in support of their principal
8 function, such as the Office of Emergency Services, National
9 Guard, health and safety agencies, and others with primary public
10 safety communications programs.

11 (g) Monitoring and participating on behalf of the state in the
12 proceedings of federal and state regulatory agencies and in
13 congressional and state legislative deliberations that have an
14 impact on state government public safety communications
15 activities.

16 (h) Developing plans regarding teleconferencing as an
17 alternative to state travel during emergency situations.

18 ~~SEC. 12.~~

19 *SEC. 13.* Section 15279 of the Government Code is repealed.

20 ~~SEC. 13.~~

21 *SEC. 14.* Section 19857 of the Government Code is amended
22 to read:

23 19857. (a) The appointing power of any officer or employee
24 not a member of the civil service may promulgate regulations
25 governing vacations for these officers or employees. In the
26 absence of these regulations, the rules of the department relating
27 to the regulation and methods of accumulation of vacation for
28 civil service employees shall govern.

29 (b) Notwithstanding subdivision (a), no paid leave including,
30 but not limited to, vacation, annual leave, and sick leave shall be
31 accrued by state officers in the following positions:

32 (1) Executive Director of the California Housing Finance
33 Agency.

34 (2) Director of the Office of Administrative Law.

35 (3) Director of Emergency Medical Services Authority.

36 (4) Executive Director of the Office of Criminal Justice
37 Planning.

38 (5) Director of the California Conservation Corps.

39 (6) Director of the Arts Council.

1 The department may adopt regulations for the application of
2 this provision to similar positions established in the future.

3 *SEC. 15. Section 4.5 of this bill incorporates amendments to*
4 *Section 12804 of the Government Code proposed by both this bill*
5 *and AB 1278. It shall only become operative if (1) both bills are*
6 *enacted and become effective on or before January 1, 2007, (2)*
7 *each bill amends Section 12804 of the Government Code, and (3)*
8 *this bill is enacted after AB 1278, in which case Section 4 of this*
9 *bill shall not become operative.*